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COLONEL GEORGE WYTHE MUNFORD.*

WITH the reverence that is due from the living to the dead: with the admiration that high character and exalted worth always command: with the honor that should be ever given by one Virginian to one who has brought fame and honor to Virginia, I come to pay feeble tribute to a great and a good man—to the memory of George Wythe Munford, whose portrait we to-day hang on our court house wall—one of the brightest jewels in Virginia's royal diadem.

It is said that the celebrated William Wirt once wrote to Judge Beverly Tucker asking an eulogy on the then late Judge Cabell. When Mr. Wirt went to get the paper, Judge Tucker said: "I have thought and thought, and yet I can find no higher eulogy on Cabell than to say that he was a 'Virginia gentleman of the old school'."

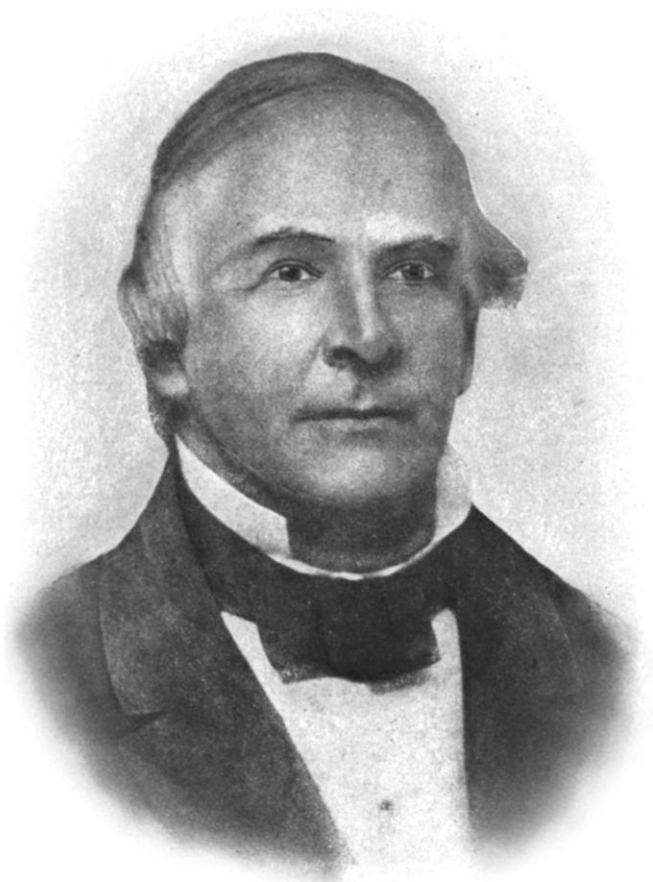
And so I might say of the subject of this sketch, that he too was in all things, always a gentleman, a Virginian, a Christian, and feel that my task was well done.

And looking back to the long line of illustrious men that have given to Virginia honor and renown among the nations of the world—recalling with pride her Washington, her Morroe, her Madison, her Jefferson, her Patrick Henry—Tyler, Wythe, Mason, Marshall, Tucker, Rives, Randolph, Scott, Lee, Jackson, my own honored father and a host of others—it can yet be said of George W. Munford, that no braver gentleman, no truer Virginian, no purer Christian ever trod Virginia's soil.

Can man give higher praise to man? From my earliest childhood his name was ever an honored household word in my father's house.

As roommate with my grandfather, Mr. James Lyons, at William and Mary College, more than eighty years ago, began a friendship

* An address delivered by Judge James Lyons Taliaferro, at Gloucester Court-house, October 11, 1902, on the occasion of the unveiling of a portrait of Colonel George Wythe Munford, donated by Major Powhatan Ellis to Judge T. R. B. Wright, of the Circuit Court.



COLONEL GEORGE WYTHE MUNFORD

which, ending only with their lives, I am proud to say has been transmitted to their children and their children's children to the present day.

Brought up as a child in almost daily intercourse with this grand old man, I feel that I owe much to the bright example of his life and character.

A man of deep learning, high literary attainments and varied information, yet always kind, courteous and instructive to the smallest child. A man of the highest sense of honor, and with utter scorn for all things mean, yet with a heart full of charity for the weakness of others. At all times dignified, gracious, kind, always courteous to his inferiors, affable to his equals, and acknowledging no superiors, he was to me the type of the true gentleman.

"Though deep, yet clear, though gentle, yet not dull;
Strong without rage; without o'erflowing, full."

He was born in Richmond on the 8th day of January, 1803, and was named for the eminent chancellor, George Wythe, an intimate friend of his father, William Munford. At an early age he entered William and Mary College, from which he graduated with honor, taking the degree of Bachelor of Arts. He then commenced the study of law, at the same time assisting his father, at that time clerk of the House of Delegates of Virginia. On the death of his father in 1825, he was chosen to succeed him as clerk of the House, although at that time he was only twenty-two years of age. For more than twenty-five years he held this important and laborious office, fulfilling its duties with an accuracy and intelligence that have never been surpassed, and to which the journal of the House bears conclusive testimony.

When the convention of 1829 assembled, the high reputation of Colonel Munford secured him the election as secretary of that distinguished body. Here he was intimately connected with Monroe, Madison, John Marshall, John Randolph, and other like men who composed that renowned body. Naturally, in this way he became more thoroughly acquainted with the political history of the State than any other man of his time.

After serving so long and faithfully as clerk of the House of Delegates, he was elected Secretary of the Commonwealth, which office he held until the fall of the Confederacy, and the dissolution of the State. As Secretary of the Commonwealth, he at all times

displayed that integrity of character, that zeal, diligence and efficiency, which so marked his life in every capacity.

Too advanced in years to take active part himself in the battles of his country, he yet gave to the loved cause the services of three sons, of whom one died on Malvern Hill, and two, serving with eminent distinction throughout the war, are now living, honored by all who know them, worthy sons of a worthy sire: General Thomas T. Munford and Reverend William Munford.

After the war ended, Colonel Munford came to Gloucester county to live, purchasing a beautiful home on Ware river. Here he was loved and honored by all classes. He always took a warm and active interest in everything pertaining to the good of his county, his State and his friends. A staunch and loyal Democrat, he always attended the meetings of his party, and was frequently called upon to preside over the meeting. This he did with dignity, courtesy and impartiality.

While in Gloucester, his home was always a center of attraction, and many can bear loving testimony to the kind and generous hospitality there dispensed. With the establishment of the civil government, Colonel Munford accepted the clerkship of the committee on Courts of Justice. Here, his intimate knowledge of all matters pertaining to legislation in Virginia, his familiarity with the laws and constitution of Virginia, and his unexcelled skill in the preparation of bills, made him one of the most valuable and useful men in the State. I have been told on good authority, that fully nine-tenths of all the bills passed at this time were written by him.

So well known were his rare skill and knowledge, such were his kindness and courtesy, that members from all over the State would ask him to prepare their bills for them.

But the service of which he was probably most proud, and of which he was most deserving of honor, was the compiling and editing of the Code of 1860, and afterwards in publishing the Code of 1873. The magnitude of this task was such that hardly any other man then living would have made the attempt, and yet, great as was the undertaking, even greater was the success.

These works will ever stand as fit monuments to the greatness of the man who would undertake so vast a work, and to the ability, knowledge, and painstaking application which made it so eminent a success.

Colonel Munford was also the author of many literary works of high merit. At Richmond, in 1867, he delivered a lecture on the "Jewels of Virginia" which for beauty of style and purity of diction is the equal of any composition, while the information and history it contains are truly valuable.

And who is it who has not laughed and wept by turns at the exquisite humor and the tender pathos of the lives of dear old Parsons Blair and Buchanan, so beautifully told in the "Two Parsons."

I would that I had space in a paper of this character to tell more of his traits of mind and character, of his loyalty to his friends, his patriotism, his devotion to the Confederacy, of his tears for Virginia in her hour of shame, in the dark days of reconstruction, of his contempt and bitter denunciation of the harpies who then preyed upon her vitals, but space forbids. In private life, he was pure and lovable—in public life, able, incorruptible and of unswerving fidelity.

He was a man who in every walk of life measured up to the highest standard of manhood.

Full of years, full of labors, full of honors, he sleeps to-day in the land he loved so well. God rest him.

"There is no prouder grave even in our own proud clime."

PARTNERSHIP INSTRUMENTS UNDER SEAL.

THE decision of the Court of Appeals of Virginia in the late case of *Gordon v. Funkhouser*,¹ announces a doctrine of the law of partnership which the writer deferentially submits is not in line with the modern trend of commercial law, or the later American authorities. This was an action upon a sealed instrument executed in the firm name by one partner. The court held that the partner who had not executed the bond was not bound thereby, in the absence of proof that he had given his partner *prior authority under seal* to execute sealed instruments. The question of subsequent ratification by the defendant did not arise in the case. The lower court had refused to give the following instruction:

"The jury is further instructed that before the plaintiff can recover in this action against Dr. W. A. Gordon they must believe from the evidence that Dr.

¹ 42 S. E. 677.